

Notice of Allowability

Application No.

10/657,594

Examiner

Frederick C. Nicolas

Applicant(s)

PAVLU ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/12/2005.
2. ☒ The allowed claim(s) is/are 57-110,112 and 113.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/6/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicants' attorney Mr. Edward D. Robinson on 1/6/2006.

The application has been amended as follows:

IN THE CLAIMS:

Claim 76, line 1, "claim 76" has been deleted and --claim 57-- has been inserted.

Claim 111 has been cancelled.

IN THE SPECIFICATION:

On page 3, between lines 33 and 34, -- - FIG. 3A shows an enlarged diagram of the pinion and pins shown in the exploded perspective view of FIG. 3;-- has been inserted.

On page 4, between lines 2 and 3, -- - FIG. 6A shows an enlarged diagram of the pinion and return rack shown in the liquid suction phase of FIG. 6;-- has been inserted.

On page 4, between lines 3 and 4, -- - FIG. 7A shows an enlarged diagram of the pinion, pins and holes shown in the drum of FIG. 7;-- has been inserted.

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On page 3, between lines 4 and 5, -- - FIG. 8A shows an enlarged diagram of the pinion and rack shown in the liquid ejection of FIG. 8;-- has been inserted.

Allowable Subject Matter

2. Claims 57-110 and 112-113 are allowed.
3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a dispensing apparatus for a liquid product in combination with the other claimed limitations of claim 57:

"wherein the mechanism includes an element that is mobile in rotation or translation via the action of the actuator, said mobile element adapted to remain in a first position at the start or rest of the actuator's travel, then to act on a control member for the plunger to fill the dosing chamber with said liquid and to compress the return spring of said plunger, and, at the end of travel, to then pass into a second position placing said dosing chamber in communication with the exterior by the same orifice as that allowing the liquid to be drawn and, releasing the return spring of the plunger, to drive the liquid from the chamber through a through passage of the housing or the frame".

Further, the prior art fails to disclose or render obvious a dispensing apparatus for a liquid product in combination with the other claimed limitations of claim 81:

"wherein i) the mechanism comprises a mobile element movable with respect to the housing or frame between at least a first position in which the orifice of the dosing chamber and the feed nozzle or opening are in flow

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communication and a second position in which the orifice and the through passage are in flow communication, and ii) the mechanism is arranged to allow aspiration of said liquid through the orifice when the mobile element is in the first position and ejection of said liquid through the orifice when the mobile element is in the second position”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
January 9, 2006

A handwritten signature in black ink, appearing to be 'F. Nicolas', followed by the date '1/6/06' written in a similar cursive style.

Frederick C. Nicolas
Primary Examiner
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